IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.3459 OF 2002

IN

CRIMINAL APPEAL NO. OF 2002.

Shri Baptista Simon Rodrigues : Applicant.

versus.

Smt.Gunvantiben Govindbhai

Chalalia & Anr. : Respondents.

Smt.Anjali N.Helekar for the applicant.

Mr.A.M.Shringarpure, APP, for the State.

CORAM : D.G.DESHPANDE,J.

DATED : 2nd September 2004.

P.C.

1. This is an application for leave to file appeal against acquittal of the accused under Section 500 of the Indian Penal Code. The complainant and the accused were the teachers in

a school. The accused/respondent wrote a letter to the Principal and that letter is the subject matter of the so called defamation. The letter is filed with this application on page 9. The letter is in Marathi written by a person who is not well-worth and well acquainted with the writing in Marathi and, the object of writing this letter appears to be to inform the Principal about sufferings of this writer herself. She has stated that her life is ruined because of the acts of the complainant. He is doing some black magic and he has extracted Rs.Five lacs from her and, this was done by him during 1992 to 1997. Now she has become fully alert and come out of the crutches and has realised that he has practiced black magic upon her. In the last part, she has stated that it is not complaint against the complainant but it is a reality of the life which she spent under the shadow of death. The contents of the letter are not at all defamatory. In any case the trial Court has taken correct and proper view of the matter. No interference is called for. Leave is refused.

****